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PTO/SB/21 (11-08)

Approved for use through 12/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/828,358
Filing Date	9 April 2001
First Named Inventor	Karel van den BERG
Art Unit	3644
Examiner Name	Kimberly S. Smith
Attorney Docket Number	04132.0125.000000

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OFFICE OF PETITIONS

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): <ul style="list-style-type: none"> <li>1. Authorization to Charge Fees</li> <li>2. Request for Correction of Entity Status and Petition Under 37 CFR 1.28(C) to Accept Deficiency in Payment of Fees</li> </ul>
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Remarks

12/18/2008 DALLEN 00000036 09828358

01 FC:1461 6301.00 OP  
02 FC:1464 130.00 OP

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	HOWREY LLP	
Signature		
Printed name	Michael J. Bell	
Date	12 December 2008	Reg. No. 36,604

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		
Typed or printed name		Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

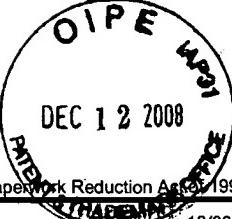
DEC 12 2008

PTO/SB/17 (10-08)

Approved for use through 06/30/2010. OMB 0651-0032

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Postmark dated on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2009

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

6,431.00

## Complete if Known

Application Number	09/828,358
Filing Date	9 April 2001
First Named Inventor	Karel van den BERG
Examiner Name	Kimberly S. Smith
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Attorney Docket No.	04132.0125.000000

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## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 08-3038 Deposit Account Name: HOWREY LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	_____
Design	220	110	100	50	140	70	_____
Plant	220	110	330	165	170	85	_____
Reissue	330	165	540	270	650	325	_____
Provisional	220	110	0	0	0	0	_____

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

## Small Entity

Fee (\$)

Fee (\$)

52 26

Each independent claim over 3 (including Reissues)

220 110

Multiple dependent claims

390 195

Fee Description



# THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Karl van den BERG

Appl. No. 09/828,358

U.S. Patent No.: 7,100,534

Filed: 9 April, 2001

Issued: 5 September, 2006

For: **FEED METERING AND ANIMAL  
IDENTIFICATION DEVICE HAVING  
ANGULARLY DISPLAYABLE WEIGHING  
MEANS**

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Confirmation No. 1711

DEC 19 2008

Art Unit: 3644

Examiner: Kimberly S. Smith **OFFICE OF PETITIONS**

Atty. Docket: 04132.0125.000000

## AUTHORIZATION TO CHARGE FEES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency or credit any overpayment in conjunction with the contemporaneously filed Request for Correction of Entity Status, including any petition fees, to Deposit Account No. 08-3038 referencing Docket No. 04132.0125.000000. If extensions of time under 37 C.F.R. § 1.136 are required to prevent expiration/abandonment of the present patent/application, then such extensions of time are hereby petitioned, and any fees therefore are hereby authorized to be charged to Deposit Account No. 08-3038 referencing Docket no. 04132.0125.000000.

Respectfully submitted,

Michael J. Bell (Reg. No. 39,604)

Attorney of Record

Pursuant to the Power of Attorney filed contemporaneously



USPTO  
RECEIPTS / COUNTERS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2008 DEC 16 PM 1:53

In re application of:

Karl van den BERG

Appl. No. 09/828,358

U.S. Patent No.: 7,100,534

Filed: 9 April, 2001

Issued: 5 September, 2006

For: **FEED METERING AND ANIMAL  
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ANGULARLY DISPLAYABLE WEIGHING  
MEANS**

Confirmation No. 1711

**RECEIVED**

Art Unit: 3644

DEC 19 2008

Examiner: Kimberly S. Smith

**OFFICE OF PETITIONS**

Atty. Docket: 04132.0125.000000

**REQUEST FOR CORRECTION OF ENTITY STATUS AND  
PETITION UNDER 37 CFR §1.28(C) TO ACCEPT DEFICIENCY IN PAYMENT OF FEES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper and petition is submitted to correct the entity status for the above-referenced patent and its corresponding application and to petition the Office to accept the deficiency in payment of fees corrected hereby, pursuant to 37 C.F.R. §§1.27 and 1.28.

The Assignee of Record recently became aware that its US patent counsel had continued to improperly claim small entity status subsequent to the assignee's loss of this entitlement on January 1, 1994. Thus, all fees paid in this application from January 1, 1994 to present must be adjusted to the full and correct value.

Assignee requests that the Office correct the entity status of the patent and the corresponding application. Assignee further requests that the Office accept and process the deficiency payment submitted herewith in accordance with 37 CFR 1.28(C). The requirements pertaining to calculation of the deficiency owed and itemization of the deficiency payment in accordance with 37 CFR 1.28(C)(2) can be

found in Exhibit B.

Submitted herewith as Exhibit A is a Revocation of Power of Attorney and New Power of Attorney and Change of Correspondence Address, together with a Statement Under 37 C.F.R. §3.73(b), signed by the agent authorized to act on behalf of the Assignee.

Also submitted herewith as Exhibit B is an itemized listing of all fees paid, after January 1, 1994, during prosecution of this application, as Issue Fee payment, as Maintenance Fees, and as any other fees paid. All applicable surcharges are also included therein. This list is believed to be a comprehensive listing of all applicable fees and corresponding deficiencies. The correct fee amounts are calculated for the present date. The total deficiency is calculated at the bottom of the table and a \$130 petition fee in accordance with 37 CFR 1.28(C)(3) and 1.17(i) is added thereto. Payment for the total amount is attached hereto in the form of a check made out to the Commissioner, United States Patent Office.

Acceptance and correction of the entity status and corresponding fees are respectfully requested. The Director is hereby authorized to deduct any additional fees determined by the Office to be charged to Deposit Account No. 08-3038 referencing Docket no. 04132.0125.000000.

Respectfully submitted,



Maurice Corten  
Authorized Agent for Lely Enterprises A.G.

# **EXHIBIT A**



**REQUEST FOR CORRECTION OF ENTITY STATUS**

**Itemization of the Deficiency Payment**

<i>Application No.</i>	<i>Patent No.</i>	<i>Type of fee Paid as Small Entity</i>	<i>Payment Date of Small entity Fee</i>	<i>Small Entity Fee Actually Paid</i>	<i>Current Fee Amount for Non-Small Entity</i>	<i>Surcharge Fee</i>	<i>Deficiency Amount Owed</i>
09/828,358	7,100,534	Filing Fee	Apr. 11, 2001	\$355	\$850		\$495
		Claims Fee (12 dep.)	Apr. 11, 2001	\$108	\$624		\$516
		Recordal Fee	Apr. 11, 2001	\$40	\$40		0
		Additional Claims (13 dep.)	Dec. 5, 2002	\$117	\$676		\$559
		Additional Claims (7 indep.)	Dec. 5, 2002	\$294	\$1,540		\$1,246
		Extension of Time (3 mo)	Dec. 5, 2002	\$460	\$1,110		\$650
		Terminal Disclaimer	Dec. 5, 2002	\$55	\$140		\$85
		IDS	Dec. 11, 2002	\$180	\$180		\$180
		Notice of Appeal	Jun. 20, 2003	\$160	\$540		\$380
		Extension of Time (1 mo)	Jun. 20, 2003	\$55	\$130		\$75
		RCE Request	Aug. 20, 2003	\$375	\$810		\$435
		Issue Fee	Dec. 02, 2005	\$700	\$1,510		\$810
		Publication Fee	Dec. 02, 2005	\$300	\$300	0	0
		Petition to Revive, Unintentional	Dec. 02, 2005	\$750	\$1,620		\$870
		<b>Total Deficiency Payment Owed</b>					\$6,301
		Petition Fee for Petition under 37 CFR 1.28(c)					\$130
		<b>TOTAL PAYMENT</b>					<b>\$6,431</b>
		<b>SUMMARY</b>					

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# **EXHIBIT B**